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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/150,577	09/10/1998	DENNIS M. O'CONNOR	INTL-0100-US	6643
21906	7590	12/01/2005		
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			EXAMINER CHEVALIER, ROBERT	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/150,577

Applicant(s)

O'CONNOR ET AL.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Upon further consideration, the Allowance has been withdrawn. New ground(s) of rejections are provided below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 26-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is noted that the specification does not provide any support for the claimed limitations recited in claims 26, 31, and 36, of displaying a portion of the video stream at least initially delayed by a time delay; and when the time delay is greater than a predetermined threshold, displaying the video stream from the storage device and when the time delay is less than a predetermined threshold, displaying the video stream without storing said stream. In other words, the specification does not provide any support of having an initial time being delayed; and that, said same initial time delay is compared to a predetermined threshold so as to generate a control signal controlling the displaying operation of the video stream.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 26, 28-29, 31, 33-34, and 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Camhi et al.

Camhi et al disclose a simultaneously recording and playback apparatus of television type signals, which performs the claimed method as recited in claims 26, 31, and 36. The prior art audiovisual recorder 10 is configured to store information present on inputs 22 in memory 12 upon user actuation of record key 18 (See Figures 1-3, col. 4, lines 42-44, col. 5, lines 24-25). This disclosure meets the claimed limitations of "storing a video stream in a video storage device". Further, the prior art audiovisual recorder 10 is configured to present the desired programming information to the user with a time delay effect by retrieving from the memory unit 12 and coupling (via outputs 24), the stored information to the user's display devices upon user actuation of playback key 20 (See col. 5, lines 25-35, col. 4, lines 59-66). This disclosure meets the claimed limitations of displaying a portion of the video stream at least initially delayed by a time delay". Moreover, by using the functions provided by the frame advance key 58 and the terminate key 60, the audiovisual recorder 10 is configured to continue presenting the stored information from the memory 12 to the user's display devices, and when a point where the interval of time delay becomes negligible is reached, to automatically discontinue recording function and to revert to normal real time display of broadcast

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information (col.6, lines 50-col. 7, line 9, col. 9, lines 20-27). This disclosure meets the claimed limitations of displaying the video stream from the storage device when the time delay is greater than a predetermined threshold, and when the time delay is less than a predetermined threshold, displaying the video stream without storing said stream". The prior art teaching of "the point where the internal of time delay becomes negligible" is construed as the "predetermined threshold".

With regard to claims 28 and 33, the feature of retrieving the video stream with one or more time delays that are user specified as specified thereof is present in Camhi et al. (See Camhi et al's claim 8).

With regard to claims 29, and 34, the feature of compressing the video stream prior to writing the video stream to the storage device as specified thereof is present in Camhi et al. (See Camhi et al's Figure 2, component 38).

With regard to claim 37, the feature of the display recited thereof is present in claim 8 of Camhi et al.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 27, 30, 32, 35, and 38-41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Camhi et al in view of Yonemitsu.

Camhi et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 27, 32, and 38, including the feature writing a portion of video stream while reading recorded from the storage device (See the capability of writing and reading the input data into and from the memory 12 shown in Camhi et al's Figure 1, and further, see Camhi et al's claim 1).

Camhi et al fails to clearly disclose the feature of storing in a temporary buffer the inputted video stream to be written to the storage device as specified in claims 27, 32, and 38.

Yonemitsu discloses a video recording/reproducing apparatus which includes the capability of buffering inputted video stream before providing the same to a storage means for recording purposes as specified in claims 27, 32, and 38. (See Yonemitsu's Figure 4b, component 12).

It would have been obvious to one skilled in the art to modify the Camhi et al's recording/reproducing apparatus wherein the compressing/recording means provided thereof (See Camhi et al's Figure 2, components 12, and 38) would incorporate a buffer

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means for the purpose of buffering the compressed data before providing the same to the storage means in the same conventional manner as is shown by Yonemitsu. The motivation is to have a better control over the rate of the data provided to the storage means thereby increase the efficiency of the apparatus as suggested by Yonemitsu.

With regard to claims 30, 35, and 41, the feature of decompressing the video stream after retrieving the video stream from the storage device as specified thereof is present in Camhi et al. (See Camhi et al's Figure 2, component 40).

With regard to claim 39, the feature of retrieving the video stream with one or more time delays that are user specified as specified thereof is present in Camhi et al. (See Camhi et al's claim 8).

With regard to claim 40, the feature of compressing the video stream prior to writing the video stream to the storage device as specified thereof is present in Camhi et al. (See Camhi et al's Figure 2, component 38).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
November 26, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER